

**UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

JOHN MCBRIDE,

Plaintiff,

V.

UNITED COLLECTION BUREAU,
INC.,

Defendant

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Case No.:

COMPLAINT AND DEMAND FOR JURY TRIAL

(Unlawful Debt Collection Practices)

COMPLAINT

JOHN MCBRIDE (“Plaintiff”), by and through his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against UNITED COLLECTION BUREAU, INC. (“Defendant”):

INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant regularly conducts business in the Commonwealth of Pennsylvania and therefore personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Pittsburgh, Pennsylvania 15227.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

7. Plaintiff is a person granted a cause of action under the FDCPA. 15 U.S.C. §1692k(a); see also Wenrich v. Cole, 2000 U.S. Dist LEXIS 18687 (E.D. Pa. Dec. 22, 2000).

8. Defendant is a corporation with its principal place of business located at 5620 Southwyck Boulevard, Suite 206, Toledo, Ohio 43614.

1 9. Upon information and belief, Defendant is a corporation that provides
2 call center, collections, insurance and debt purchase services to companies in the
3 United States.
4

5 10. At all times material hereto, Defendant acted as a “debt collector”
6 within the meaning of 15 U.S.C. § 1692(a)(6), and attempted to collect a “debt” as
7 defined by 15 U.S.C. § 1692(a)(5).
8

9 11. Defendant acted through its agents, employees, officers, members,
10 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
11 representatives, and insurers.
12

13 **FACTUAL ALLEGATIONS**

14
15 12. At all times material hereto, Defendant contacted Plaintiff in an
16 attempt to collect an alleged consumer debt.
17

18 13. Plaintiff has never incurred any debts in connection with a business or
19 commercial activity and, therefore, the alleged debt, if truly an obligation owed by
20 Plaintiff, could have arisen only from a financial obligation for primarily personal,
21 family, or household purposes.
22

23 14. Beginning in or around July 2014, and continuing through November
24 2014, Defendant’s collectors placed repeated harassing telephone calls to
25 Plaintiff’s cellular telephone number in its attempts to collect the alleged debt.

1 21. A debt collector violates section 1692d(5) of the FDCPA by causing a
2 telephone to ring or engaging any person in telephone conversation repeatedly or
3 continuously with intent to annoy, abuse, or harass any person at the called
4 number.
5

6 22. Defendant violated sections 1692d and 1692d(5) of the FDCPA when
7 it placed repeated harassing telephone calls to Plaintiff's cellular telephone number
8 with the intent to annoy, abuse, or harass Plaintiff.
9

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11 **COUNT II**
12 **DEFENDANT VIOLATED § 1692f OF THE FDCPA**

13 23. A debt collector violates section 1692f of the FDCPA by using unfair
14 or unconscionable means to collect or attempt to collect any debt.
15

16 24. Defendant violated section 1692f of the FDCPA when it harassed
17 Plaintiff by placing repeated calls to his cellular telephone; and, generally, when it
18 used unfair and unconscionable means to collect the alleged debt.
19

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21 **COUNT III**
22 **DEFENDANT VIOLATED § 1692g(a) OF THE FDCPA**

23 25. A debt collector violates § 1692g(a) if within five days after the initial
24 communication with a consumer, the debt collector fails to send the consumer a
25 written notice containing (1) the amount of the debt; (2) the name of the creditor to

1 whom the debt is owed; (3) a statement that unless the consumer, within thirty days
2 after receipt of the notice, disputes the validity of the debt, or any portion thereof,
3 the debt will be assumed to be valid by the debt collector; (4) a statement that if the
4 consumer notifies the debt collector in writing within the thirty-day period that the
5 debt, or any portion thereof, is disputed, the debt collector will obtain verification
6 of the debt or a copy of a judgment against the consumer and a copy of such
7 verification or judgment will be mailed to the consumer by the debt collector; and
8
9 (5) a statement that, upon the consumer's written request within the thirty-day
10 period, the debt collector will provide the consumer with the name and address of
11 the original creditor, if different from the current creditor.
12

13
14 26. Defendant violated section 1692g(a) of the FDCPA when it failed to
15 send written notification, within five (5) days after its initial communication with
16 Plaintiff, advising him of his rights to dispute the debt or request verification of the
17 debt, as well as the name of the original creditor and the amount of the debt.
18

19
20 WHEREFORE, Plaintiff, JOHN MCBRIDE, respectfully prays for judgment
21 as follows:
22

- 23 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
24 b. Statutory damages of \$1,000.00 for the violation of the FDCPA
25 pursuant to 15 U.S.C. § 1692k(a)(2)(A);

- 1 c. All reasonable attorneys' fees, witness fees, court costs and other
2 litigation costs, pursuant to 15 U.S.C. § 1693k(a)(3);
3
4 d. Any other relief deemed fair and proper by this Honorable Court.
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6 **DEMAND FOR JURY TRIAL**

7 PLEASE TAKE NOTICE that Plaintiff, JOHN MCBRIDE, demands a jury
8 trial in this case.
9
10

11 Respectfully submitted,
12

13 Dated: April 24, 2015

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